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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA

WILDERNESS WATCH,  
ALLIANCE FOR THE WILD  
ROCKIES; GALLATIN WILDLIFE  
ASSOCIATION; and  
YELLOWSTONE TO UINTAS  
CONNECTION

Plaintiffs,

v.

UNITED STATES FISH AND  
WILDLIFE SERVICE, an agency of  
the U.S. Department of Interior,

Defendant.

Case No. 9:23-CV-00077-DLC-KLD

**PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 65(a), Plaintiffs respectfully move this court for a preliminary injunction against implementation of the Fish and Wildlife Service's recently authorized project to construct a pipeline from Shambow Pond to Upper

Red Rock Lake in the Red Rock Lakes National Wildlife Refuge, along with accompanying activities contemplated in the project authorization. A preliminary injunction is necessary at this time because project activities may commence imminently; the Fish and Wildlife Service has stated plans to install this infrastructure before the coming winter and has indicated that groundbreaking activities could occur as soon as August 1, 2023—well before this Court will have the opportunity to review the merits of the case.

A preliminary injunction is warranted in this case because the public interest and the balance of equities tip in Plaintiffs' favor, the Project presents the threat of imminent and irreparable harm to Plaintiffs' interests, and Plaintiffs have raised serious questions on the merits. Plaintiffs separately file a brief in support of this motion. This motion is filed at the outset of this case, and it is being served on Defendant and on the U.S. Attorney's office along with the Complaint.

The Fish and Wildlife Service decided to approve this project with only a short time span between approval and implementation, far from enough time to accommodate judicial review of the project's legality. Plaintiffs have proceeded expeditiously in preparing the present challenge. Because the agency has indicated its intent to begin construction as soon as this August, Plaintiffs respectfully request that this Court consider and resolve the matter promptly.

Respectfully submitted June 27, 2023

/s/ Andrew Hursh  
Andrew Hursh  
Montana Bar #68127109  
Attorney for Plaintiffs

### **CERTIFICATE OF SERVICE**

I certify that I served a true and accurate copy of this document by sending it—in conjunction with the Complaint and Summons—via U.S. Postal Service first-class, certified mail, return receipt requested, to the following:

United States Fish and Wildlife Service  
1849 C Street NW  
Washington, DC 20240

Civil Process Clerk  
U.S. Attorney's Office  
2601 Second Ave North  
Box 3200  
Billings, MT 59101

Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530-0001

/s/ Andrew Hursh  
Andrew Hursh  
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